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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/208,998

12/11/1998

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23952-0075

8916

29052 7590 02/15/2007
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EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

02/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/208,998 | Applicant(s) GANESAN ET AL. | |
| | Examiner John Van Bramer | Art Unit 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-39 and 41-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-39 and 41-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>111706, 111706, 111706</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 13, 2006 has been entered.

Response to Amendment

2. The amendment filed November 13, 2006 cancelled no claims. Claims 35, 45, 51, 56, and 66 have been amended and no new claims were added. Thus, the currently pending claims are Claims 35-39, and Claims 41-69.

Claim Objections

3. Claims 35, 45, 51, 56, and 66 objected to because of the following informalities: The examiner object to the use of the term "login" used in the amended claims. The specification makes no mention of the term "login". Instead, the specification relies on the term "logon". In order to maintain consistency and to avoid any new matter issues relating to the scope of the claim, the examiner suggests changing the term "login" to the term "logon". This will eliminate any issues

regarding the semantic interpretation of the two terms and the possible variances in scope that may be present. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 35 – 39, 41 – 50 and 56 - 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Egendorf (U.S. Patent Number: 5,794,221).

Claim 35: Egendorf discloses a method of conducting a transaction via one or more networks, comprising:

- a. Receiving, at a financial institute or financial institute representative, information associated with a product intended to be purchased by a purchaser from a seller at a purchase price, wherein the information received at the financial institute or financial institute representative does not include an account number of the purchaser, and wherein the account

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number is not disclosed to the seller. (Col. 5, line 18 through Col. 6, line 12)

- b. Verifying, at the financial institute or financial institute representative, that an account associated with the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col. 5, line 18 through Col. 6, line 12)
- c. If the financial institute or financial institute representative verifies that the account associated with the purchaser includes sufficient funds to cover the transfer, transmitting an authorization from the financial institute or financial institute representative to the seller to proceed with the transaction. (Col. 5, line 18 through Col. 6, line 12)
- d. Wherein, prior to the transmitting of an authorization from the financial institute or financial institute representative to the seller, and during the transaction, the financial institute or financial institute representative receives login information from the purchaser to authenticate the purchaser. (Col 5, lines 20-43)

Claim 36: Egendorf discloses the method of Claim 35, further comprising directing, from the financial institute or financial institute representative, a transfer of funds from the account associated with the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 37: Egendorf discloses the method of Claim 35, further comprising: directing, from the financial institute or financial institute representative, a transfer of funds to an account of the seller. (Col. 6, lines 47 – 67)

Claim 38: Egendorf discloses the method of Claim 37, wherein the step of directing, from the financial institute or financial institute representative, the transfer of funds from the account to the account of the seller is responsive to the financial institute or financial institute representative receiving a notice of delivery of goods from the seller. (Col. 5, line 18 through Col. 6, line 12)

Claim 39: Egendorf discloses the method of Claim 35, further comprising: receiving, at the financial institute or financial institute representative, a purchaser identity prior to the financial institute or financial institute representative verifying that the account of the purchaser includes sufficient funds. (Col. 5, line 18 through Col. 6, line 12)

Claim 41: Egendorf discloses the method of Claim 35, wherein the financial institute or financial institute representative comprises a financial institute network device. (Col. 5, line 18 through Col. 6, line 12)

Claim 42: Egendorf discloses the method of Claim 35, wherein the information associated with a product comprises the purchase price or a product description. (Col. 5, line 18 through Col. 6, line 12)

Claim 43: Egendorf discloses the method of Claim 42, wherein the information associated with a product comprises an indicator identifying the seller or the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 44: Egendorf discloses the method of Claim 35, further comprising transmitting an authorization from the financial institute or financial institute representative to the seller to proceed with the transaction if the financial institute or financial institute representative verifies that the account associated with the purchaser does not include sufficient funds to cover the transfer, but includes overdraft protection. It is inherent that when the account is a bank account, with overdraft protection that an authorization be provided as long as the amount of the transaction does not exceed the overdraft limit. (Col. 5, line 18 through Col. 6, line 12)

Claim 45: Egendorf discloses a method implemented in conducting a transaction, comprising:

- a. Downloading, from a seller to a purchaser, information associated with a product available for purchase by the purchaser, wherein the information associated with the product includes pricing information. (Col. 5, line 18 through Col. 6, line 12)

- b. Providing, by the seller, at least one payment option selectable by the purchaser. (Col. 2, lines 28 – 36)
- c. Receiving a payment selection at the seller, where the payment selection results in pricing information being provided to a financial institute or financial institute representation. (Col. 5, line 18 through Col. 6, line 12)
- d. Receiving, at the seller, an authorization from the financial institute or financial institute representative to proceed with a sale of the product to the purchaser if the financial institute or financial institute representative verifies that an account associated with the purchaser includes sufficient funds to cover the payment of an amount specified by the pricing information, wherein the seller does not receive any portion of an account number corresponding to the account associated with the purchaser, and wherein the financial institute or financial institute representative does not receive an account number from the seller or purchaser at the time of the transaction. (Col. 5, line 18 through Col. 6, line 12)
- e. Wherein, prior to the transmitting of an authorization from the financial institute or financial institute representative to the seller, and during the transaction, the financial institute or financial institute representative receives an authorization from the purchaser for the withdrawal of funds from the account in the amount specified by the pricing information. (Col 5, lines 20-43)
- f. Login information from the purchaser to authenticate the purchaser.

Claim 46: Egendorf discloses the method of Claim 45, wherein funds are transferred from the account associated with the purchaser to an account of the seller following the receipt, at the seller, of the authorization from the financial institute or financial institute representative. (Col. 5, line 18 through Col. 6, line 12)

Claim 47: Egendorf discloses the method of Claim 45, further comprising: transmitting a notice of delivery of goods from the seller to the financial institute or financial institute representative, and wherein the funds are transferred from the account associated with the purchaser to an account of the seller following receipt of the notice of delivery by the financial institute or financial institute representative. (Col. 5, line 18 through Col. 6, line 12)

Claim 48: Egendorf discloses the method of Claim 45, wherein the information associated with a product available for purchase includes a product description summary. (Col. 5, line 18 through Col. 6, line 12)

Claim 49: Egendorf discloses the method of Claim 45, wherein the payment selection includes purchaser information provided by the purchaser. (Col. 5, line 18 through Col. 6, line 12)

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Claim 50: Egendorf discloses the method of Claim 45, wherein the financial institute or financial institute representative comprises a financial institute network device.

(Col. 5, line 18 through Col. 6, line 12)

Claim 56: Egendorf discloses a system for conducting a transaction via one or more networks, comprising:

- a. A first network device, associated with a seller, operable to receive information identifying a product intended to be purchased by a purchaser at a purchase price, but not operable to identify, via one or more communications received from the purchaser at the time of the transaction, an account number associated with an account of the purchaser for the transfer of funds to pay for the product. (Col. 5, line 18 through Col. 6, line 12)
- b. A second network device, associated with a financial institute or financial institute representative and in communication with the first network device, wherein the second network device is operable to:
 - i. Receive, from the first network device, product information including the purchase price. (Col. 5, line 18 through Col. 6, line 12)
 - ii. Verify that the account of the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col. 5, line 18 through Col. 6, line 12)

- iii. Transmit an authorization to the first network device to proceed with the transaction if the second network device verifies that the account of the purchaser includes sufficient funds to cover the transfer, wherein prior to the transmitting of an authorization from the second network device to the first network device, and during the transaction, receiving, at the second network device login information from the purchaser to authenticate the purchaser, wherein the second network device is not operable to receive, from the seller or purchaser at the time of the transaction, an account number that corresponds to the account of the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 57: Egendorf discloses the system of Claim 56, wherein the second network device is further operable to direct a transfer of funds from the account of the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 58: Egendorf discloses the system of Claim 56, wherein the second network device is further operable to direct a transfer of funds to an account of the seller. (Col. 5, line 18 through Col. 6, line 12)

Claim 59: Egendorf discloses the system of Claim 58, wherein the wherein the second network device is further operable to direct the transfer of funds from the account of the purchaser to the account of the seller responsive to the second

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network device receiving a notice of delivery of goods from the seller. (Col. 5, line 18 through Col. 6, line 12)

Claim 60: Egendorf discloses the system of Claim 56, wherein the second network device is further operable to receive a purchaser identity prior to verifying that the account of the purchaser includes sufficient funds to pay for the product. (Col. 5, line 18 through Col. 6, line 12)

Claim 61: Egendorf discloses the system of Claim 56, wherein the second network device comprises a financial institute network device. (Col. 5, line 18 through Col. 6, line 12)

Claim 62: Egendorf discloses the system of Claim 56, wherein the product information further comprises a product description. (Col. 5, line 18 through Col. 6, line 12)

Claim 63: Egendorf discloses the system of Claim 56, wherein the product information further comprises the identity of the seller. (Col. 5, line 18 through Col. 6, line 12)

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Claim 64: Egendorf discloses the system of Claim 56, wherein the product information further comprises the identity of the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 65: Egendorf discloses the system of Claim 56, wherein the second network device is operable to transmit an authorization to the seller to proceed with the transaction if the account of the purchaser does not include sufficient funds to cover the transfer, but does include overdraft protection. It is inherent that when the account is a bank account, with overdraft protection that an authorization be provided as long as the amount of the transaction does not exceed the overdraft limit. (Col. 5, line 18 through Col. 6, line 12)

Claim 66: Egendorf discloses an article of manufacture for conducting a cashless transaction, comprising:

- a. A computer readable storage medium on at least one device associated with a financial institute or a financial institute representative. (Col. 5, line 18 through Col. 6, line 12)
- b. Computer programming stored on the storage medium, wherein the stored computer programming is configured to be readable from the computer readable storage medium by a computer and thereby cause the computer to operate so as to:

- i. Receive, responsive to a communication from a purchaser to a seller that identifies a product to be purchased but does not identify an account number associated with an account of the purchaser to transfer funds to the seller, information associated with the product intended to be purchased by a purchaser from the seller at a purchase price, wherein the information received includes a purchase price of the product but does not include the account number of the purchaser. (Col. 5, line 18 through Col. 6, line 12)
- ii. Identify the account of the purchaser. (Col. 5, line 18 through Col. 6, line 12)
- iii. Verify that the account of the purchaser includes sufficient funds to cover the transfer, to the seller, of a payment for the purchase price. (Col. 5, line 18 through Col. 6, line 12)
- iv. Transmit an authorization to the seller to proceed with the transaction if the account of the purchaser includes sufficient funds to cover the transfer wherein, prior to the transmitting of an authorization to the seller, and during the transaction, login information is received from the purchaser to authenticate the purchaser. (Col. 5, line 18 through Col. 6, line 12)

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Claim 67: Egendorf discloses the article of Claim 66, wherein the computer programming further causes the computer to operate so as to direct a transfer of funds from the account of the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Claim 68: Egendorf discloses the article of Claim 66, wherein the computer programming further causes the computer to operate so as to direct a transfer of funds to an account of the seller. (Col. 5, line 18 through Col. 6, line 12)

Claim 69: Egendorf discloses the article of Claim 68, wherein the computer programming further causes the computer to operate so as to direct the transfer of funds from the account of the purchaser to the account of the seller responsive to receiving a notice of delivery of goods from the seller. (Col. 5, line 18 through Col. 6, line 12)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 51 - 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf (U.S. Patent Number: 5,794,211).

Claim 51: Egendorf discloses a method of conducting a transaction via one or more networks, comprising:

- a. Downloading product information and a plurality of payment options from a seller to a purchaser, wherein the product information includes pricing information. (Col. 5, line 18 through Col. 6, line 12 and Col. 2, lines 28 – 36). While Egendorf is silent with regard to other methods of payment outside the scope of the invention, Official Notice is taken that it is old and well known to provide customers the option to pay for online transaction with a plurality of payment options including the use of a credit card, wherein the credit card number is directly transmitted to the seller in order to purchase goods. Originally, these numbers were transmitted in plain text. Concerns with regard to the security of such plain text transmissions prompted companies and researchers to begin searching for alternative techniques such as transmitting credit card number over an encrypted data stream like SSL (Secure Socket Layer) which was introduced in 1996. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to allow retailers to provide transactions using the standard methodology. One would have been motivated to do

so in order to ensure customers whose service providers do not offer the disclosed invention were still able to purchase items at the online store.

- b. While Egendorf is silent with regard to the additional purchase options offered by an online retailer, Official notice is taken that it is old and well known for retailers communicate customers credit card numbers and purchase amounts to the credit card provider in order to obtain remuneration for the items sold to a customer using said credit card. One would have been motivated to do so in order to obtain payment for the items sold to the customer.
- c. If the payment option selected by the purchaser is the second payment option, transmitting the product information from the seller to a financial institute or financial institute representative and receiving an authorization from the financial institute or financial institute representative to proceed with the transaction, wherein the seller does not receive, from the purchaser, an account number identifying the purchaser account, and wherein the seller and purchaser do not communicate an account number identifying the purchaser account to the financial institute or financial institute representative at the time of the transaction. (Col. 5, line 18 through Col. 6, line 12 and Col. 2, lines 28 – 36)
- d. Wherein, prior to the transmitting of an authorization from the financial institute or financial institute representative to the seller, and during the transaction, the financial institute or financial institute representative

receives login information from the purchaser to authenticate the purchaser. (Col 5, lines 20-43)

Claim 52: Egendorf discloses the method of Claim 51, wherein the seller receives an authorization from the financial institute or financial institute representative if the financial institute or financial institute representative verifies that the purchaser deposit account includes sufficient funds to cover a transfer to the seller of an amount specified by the pricing information. (Col. 5, line 18 through Col. 6, line 12)

Claim 53: Egendorf discloses the method of Claim 51, further comprising receiving, at the seller, payment of the amount specified by the pricing information from the financial institute or financial institute representative. (Col. 5, line 18 through Col. 6, line 12)

Claim 54: Egendorf discloses the method of Claim 51, wherein the product information includes purchaser information. (Col. 5, line 18 through Col. 6, line 12)

Claim 55: Egendorf discloses the method of Claim 51, wherein the product information includes the identity of the seller if the second payment option is selected by the purchaser. (Col. 5, line 18 through Col. 6, line 12)

Response to Arguments

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8. Applicant's arguments filed November 13, 2006, which were directly towards the newly amended claims, have been fully considered but they are not persuasive.

a. The applicant argues that Egendorf fails to disclose that "prior to transmitting of an authorization from the financial institute or financial institute representative to the seller, and during the transaction, receiving, at the financial institute or financial institute representative, login information from the purchaser to authenticate the purchaser. However, in Col 5, lines 13-43, Egendorf discloses these steps. Egendorf teaches that the customer can send transactional information to the service provider (an authorization for purchase). The service provider then obtains authorization data from the financial institution that the transaction has been approved. This authorization data can then be sent to the customer and/or the vendor in order to complete the transaction. The transactional data sent to the provider, which is then forwarded to the financial institution includes a transaction amount, a verification number, and identifying information relating to the customer, such as the customer's internet address, which is then authorized by the financial institution. The applicants argument is based on two main factors: login information; and the phrase "during a transaction". Regarding the login information issue, which has been objected to above, Egendorf does disclose the use of such information. The first indication of a logon occurs when the user accesses the internet. This information is consistent with the use of a password and user name. However, once

connectivity is requested a unique Internet address is assigned. This Internet address is considered login information since it is assigned as a user identification during the current session. In regards to the term "during a transaction" the examiner has shown that this information is transmitted during such a time frame. The applicant has not disclosed nor described the bounds of such a time frame. The mere act of logging into a computer system with the intent to purchase an item on the internet would be included in such a time frame. Therefore, logon information such as a user name and password are used when gaining access to the system and logon information, such as a unique internet address assigned to the customer, is used during the transaction as well(Col 5, lines 13-43, Egendorf).

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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